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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

**CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
& HON'BLE SHRI D.R. DESHMUKH, J.**

Misc. Appeal NO. 1385 OF 2005

Appellants
Claimants

1. Smt. Radha Bai
W/o Dularu Ram Banjare
2. Dularu Ram Banjare,
S/o Shri Nathaiu Ram Banjare,
All of R/o Village – Majarkata, P.S. &
Tahsil Gariyaband, Distt. Raipur (C.G)

Vs.

RESPONDENTS
Non-applicants

1. Hafiz Khan, S/o Shri Abdul Hamid Khan,
Driver, R/o Village – Maigaon, P.S. &
Tahsil – Gariyaband, Distt. Raipur (C.G)
2. Shivshankar Dewangan,
S/o Prabhudayal Dewangan,
R/o Nayapara, Rajim, District – Raipur
(C.G.).
3. The Oriental Insurance Co. Ltd.,
Through : Divisional Manager, Division
Office No.2, Sainagar, Devendranagar,
Raipur (C.G).

Present : Mr. S.C. Verma, learned counsel for the appellants.
Mr. Prashant Jayaswal, learned Sr. Advocate with Mr. Ali
Asgar, learned counsel for respondent No.3

ORAL ORDER

(Passed on 16th January, 2006)

The following order of the Court was passed by
S.R. NAYAK, C.J.

The appellants- claimants, not being satisfied with the
compensation awarded by the learned MACT, have preferred this appeal.

The parents of the deceased are the claimants. It was contended by

learned counsel for the appellants that the MACT is not justified in not awarding any compensation towards loss of estate and that what is awarded towards loss of love and affection is on lower side. This Court has held and reiterated in umpteen number of judgments that even the compensation to be awarded under the conventional heads should reflect time and place and the present money value and it cannot be static in all times. In that view of the matter, we award a sum of Rs.25,000/- towards loss of love and affection and another sum of Rs.25,000/- towards loss of estate. The impugned award shall stand modified in the above terms. In all other respects, the impugned award shall remain unaltered.

(2) The appeal is allowed to the above extent. No costs.

**Sd/-
Chief Justice**

**Sd/-
Dilip Raosaheb Deshmukh
Judge**

Subbu.